

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

-v-

HECTOR CARRILLO-VILLA,

Defendant.

CRIMINAL ACTION NO.: 20 MJ 3073

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On April 2, 2020, Defendant Hector Carillo-Villa made an application for release from custody pursuant to 18 U.S.C. § 3142(i). On April 3, 2020, the Government opposed Mr. Carillo-Villa's application, and on April 5, 2020, Mr. Carillo-Villa submitted a reply in further support of his application. On April 6, 2020, the Court conducted a telephonic bail hearing, as to which Mr. Carillo-Villa's counsel waived his presence. Having heard the arguments of the parties and reviewed the full record on this application, IT IS HEREBY ORDERED:

- (1) Pursuant to 18 U.S.C. § 3142(i), the Court concludes that compelling reasons exist for temporary release of Mr. Carillo-Villa from detention pending trial. The Court is informed that, because of the COVID-19 Pandemic, since his arrest on March 19, 2020, Mr. Carillo-Villa has been able to communicate with his defense counsel on only one occasion, thus frustrating his ability to prepare his defense. Increasing his ability to communicate with his defense counsel in order to prepare his defense is at least one compelling reason to permit his temporary release. Accordingly, Mr. Carillo-Villa's application is GRANTED pursuant to the following conditions:

(2) The Clerk of the Court is directed to prepare a personal recognizance bond with the following conditions of release:

- a. A personal recognizance bond in the amount of \$75,000 to be signed by Mr. Carillo-Villa, and co-signed by Mr. Jesus Fernando Sandoval Vega, Mr. Jorge Jimenez, and Ms. Maria Gonzalez Quintero, or three such other co-signers as may be approved by the Government and Pretrial Services.
- b. Home incarceration at the residence of Mr. Jesus Fernando Sandoval Vega, 705 North San Rafael Avenue, Tucson, Arizona, enforced by electronic monitoring.
- c. While Mr. Carillo-Villa is residing there, the residence of Mr. Jesus Fernando Sandoval Vega, 705 North San Rafael Avenue, Tucson, Arizona, is not to have visitors other than family members and medical professionals.
- d. Pretrial Services supervision as directed by Pretrial Services.
- e. Travel restricted to the Southern and Eastern Districts of New York and the District of Arizona, and, only for travel purposes, points in between.
- f. Surrender all passports and other travel documents and make no new applications for new or replacement documents.
- g. Drug testing and treatment as directed by Pretrial Services.
- h. Mr. Carillo-Villa is not to use or possess any narcotic drug or controlled substance unless prescribed by a licensed medical practitioner.
- i. Mr. Carillo-Villa shall not possess a firearm, destructive device, or other weapon. On return to Tucson, Arizona, he must surrender any firearms or

other weapons and provide a certification to Pretrial Services that he has done so.

- j. Mr. Carillo-Villa shall not have any contact whatsoever with any of the co-defendants in this action unless in the presence of counsel.
- k. Mr. Carillo-Villa must provide to Pretrial Services the telephone numbers of Mr. Jesus Fernando Sandoval Vega, Mr. Jorge Jimenez, and Mr. Maria Gonzalez Quintero.
- l. Mr. Carillo-Villa shall be released on or after April 9, 2020, at the time his quarantine at MCC is lifted, provided he and at least one co-signer have executed the bond by the time of his release. Immediately on his release, he must report to Pretrial Services to be fitted with electronic monitoring, before his return to Arizona.
- m. Mr. Carillo-Villa must return to Tucson, Arizona, within 24 hours of his release from MCC. If he must stay overnight in New York before his flight, defense counsel must escort him to the Gatsby Hotel, 125 East Houston Street, where would reside in a single room, and must provide his room number and phone number to Pretrial Services.
- n. Within 24 hours of Mr. Carillo-Villa's arrival in Arizona, his counsel must contact the Court to arrange a conference call in which he will participate to enable the Court to deliver the warnings about the importance of compliance with these conditions and the consequences of noncompliance.

- (3) This Order should not be construed as a determination by the Court that pretrial detention is unsafe or otherwise inappropriate as a general matter or in any specific case.
- (4) This order shall be effective for a period not to exceed 60 days, at which time the need for continued release under the “compelling reason” that release was ordered shall be revisited by the Court.
- (5) Pretrial Services is directed to notify the Court, the Government, and defense counsel immediately of any violation of the above conditions, without the need for a formal violation petition. Mr. Carillo-Villa is hereby notified that violation of the conditions of release will likely result in revocation of this temporary release.
- (6) This Order is without prejudice to any future application by either party seeking to amend it.

Dated: New York, New York
April 6, 2020

SO ORDERED



SARAH L. CAVE
United States Magistrate Judge